

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THEODORE M. BRUNELLE

Plaintiff, : 3:15-CV-1480
v. : (JUDGE MARIANI)

CITY OF SCRANTON, et al.,

Defendants. :

ORDER

AND NOW, THIS 28th DAY OF AUGUST, 2018, upon review of Magistrate

Judge Carlson's Report and Recommendation ("R&R") (Doc. 36) for clear error or manifest

injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 36) is **ADOPTED** for the reasons set forth therein.
2. Plaintiff's Motion for Partial Summary Judgment (Doc. 26) is **GRANTED IN PART**

AND DENIED IN PART as follows:

- a. Plaintiff's Motion is **GRANTED** with respect to Plaintiff's procedural due process claim against Defendant Hinton. Judgment is thus hereby entered **IN FAVOR OF** Plaintiff Theodore Brunelle and **AGAINST** Defendant Patrick Hinton on Plaintiff's procedural due process claim only.

- b. Plaintiff's Motion is **DENIED** in all other respects.

3. This action now being in a procedural posture ready for trial, the action is
REMANDED to Magistrate Judge Carlson for purposes of determining whether the
parties will consent to his jurisdiction to conduct the trial in this matter.



Robert D. Mariani
United States District Judge